THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14696 of 2007

Dated: 16-07-2007

Between:

D.Vasanthamma and others.

..... PETITIONERS

AND

Sri Mogileswara Swamy Vari Devasthanam, Chittoor, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14696 of 2007

ORDER:

The petitioners are residents of Mogili Village, Bangarupalyam Mandal, Chittoor District. They filed instant writ petition seeking a writ of Mandamus directing third respondent, namely, the District Collector, Chittoor, to issue house site pattas to them in respect of the land comprised in survey No.93/2 of said Village.

It is the case of the petitioners that the land admeasuring Acs.10.56 in said survey number was owned by Sri Mogileswara Swamy Vari Devasthanam, first respondent herein, and that the same is under cultivation of *Archakas* as the temple could not pay salaries to them. Considering the plight of the petitioners and other poor persons, it appears that there was a move to acquire the land under the Land Acquisition Act, 1894 (the Act, for brevity) for giving it as house site pattas. These proceedings were challenged in W.P.No.20459 of 1999 at the instance of *Archakas.* Having regard to the fact that as the declaration under Section 6 of the Act was not issued within the stipulated time, the proceedings initiated under the Act lapsed, said writ petition was disposed of. The petitioners allege that subsequently another notification under Section 4(1) of the Act was issued, which was assailed in W.P.No.12917 of 2006. In said writ petition, *status quo* was granted initially, which was made absolute later. The petitioners allege that in spite of the same, the Government has not initiated any steps to acquire the land in said survey number.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General-A), this Court is convinced that the petitioners have no right to compel the Government to acquire the land belonging to first respondent temple. In deed if the Government wanted to acquire the land of first respondent temple or any statutory institution, nothing prevents them. Even according to the petitioners, right from 1975, the Government is trying to provide house site pattas to the petitioners and other poor persons. Therefore, their remedy is to pursue the matter with the Government, especially, third respondent to explore the possibilities of giving house site pattas to them under INDIRAMMA (Integrated Novel Development In Rural Areas and Model Municipal Areas) scheme by identifying the suitable land, if there are any hurdles in acquiring the land in said survey number. In this writ petition, no relief can be granted as the petitioners have no right much less enforceable right under the Constitution or any

relevant statutory law.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

16th July, 2007

Note: Issue CC in two weeks.

B/o

ghn